

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
YOUNGSTOWN, OHIO

STRATMAR RETAIL SERVICES, INC.)	CASE NO. 5:14-CV-00780-BYP
)	
Plaintiff,)	JUDGE BENITA Y. PEARSON
)	
v.)	
)	
FIRSTENERGY SERVICE COMPANY)	
)	
Defendant.)	
)	

**DECLARATION OF KATHERINE M. POLDNEFF IN SUPPORT OF PLAINTIFF
STRATMAR RETAIL SERVICES, INC.'S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON DEFENDANT FIRSTENERGY SERVICE COMPANY'S
COUNTERCLAIMS**

Katherine M. Poldneff declares as follows under penalty of perjury pursuant to 28 U.S.C.

§ 1746:

1. I am over eighteen (18) years of age and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. I am a member of the Bar of the State of Ohio and an attorney with Kaufman & Company, LLC. I have served as one lawyer representing Plaintiff StratMar Retail Services, Inc. ("StratMar") in this matter, captioned *StratMar Retail Services, Inc. v. FirstEnergy Service Company*, Case No. 5:14-CV-00780-BYP. I provide this Declaration in support of StratMar's Motion for Partial Summary Judgment on Defendant FirstEnergy Service Company's Counterclaims.

3. Attached hereto as Exhibit A is a true and correct copy of the transcript of the Deposition of Alfred Douglas Zinno, taken in this matter on Oct. 30, 2014, and Exhibits 1, 24, 25, 26, and 27 thereto.

4. Attached hereto as Exhibit B is a true and correct copy of the transcript of the Deposition of Timothy Hutchinson, taken in this matter on April 13, 2015, and Exhibits 21, 22, 23, 25, 26, and 29 thereto.

5. Attached hereto as Exhibit C is a true and correct copy of the transcript of the Deposition of Thomas Schmuhl, taken in this matter on April 1, 2015.

6. Attached hereto as Exhibit D is a true and correct copy of the transcript of the Deposition of Suzanne Sullivan, taken in this matter on April 7, 2015, and Exhibits 5, 6, 17, and 18 thereto.

7. Attached hereto as Exhibit E is a true and correct copy of the First Amended Answer and Counterclaims of Defendant FirstEnergy Service Company ("FES"), filed in this matter on November 14, 2014.

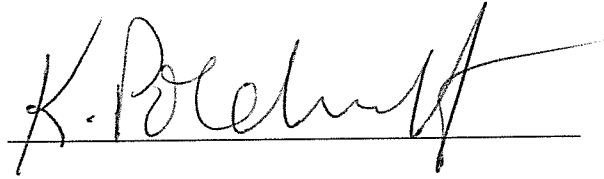
8. Attached hereto as Exhibit F is a true and correct copy of FES' Amended Response to StratMar's Interrogatory No. 13, served on StratMar in this matter on April 14, 2015.

9. Attached hereto as Exhibit G is a true and correct copy of FES' Responses and Answers to StratMar's Second Requests for Production and Third Set of Interrogatories Propounded on FES, served on StratMar in this matter on December 26, 2014.

10. Before signing this Declaration, I was given the opportunity to review it and to make any changes to it that I wanted to make. I declare under penalty of perjury, under the laws

of the United States of America, that the foregoing information set forth in this Declaration is true and correct.

Executed on June 29, 2015 in Cuyahoga County, Ohio.

A handwritten signature in black ink, appearing to read "K. Polchinski", is written over a horizontal line. The signature is stylized with a large initial "K" and a long, sweeping horizontal stroke at the end.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was electronically filed this 29th day of June 2015. Notice of filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Brent S. Silverman

*One of the Attorneys for Plaintiff StratMar Retail
Services, Inc.*